

1 **CHILD RESTRAINT SAFETY DEVICES**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Carol Spackman Moss**

5 **This act modifies the Motor Vehicle Code by amending the requirement for use of a child**
6 **restraint device in a motor vehicle from a child younger than five, to a child eight years of**
7 **age or at least 57 inches tall, whichever occurs first. This act makes technical changes.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **41-6-182**, as repealed and reenacted by Chapter 153, Laws of Utah 2000

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **41-6-182** is amended to read:

13 **41-6-182. Driver and passengers -- Safety belt or child restraint device required --**
14 **Secondary enforcement.**

15 (1) The driver of a motor vehicle operated on a highway shall:

16 (a) wear a properly adjusted and fastened safety belt;

17 (b) provide for the protection of each person [~~younger than five~~] until the person is at
18 least eight years of age or at least 57 inches tall, whichever occurs first, by using a child
19 restraint device or booster seat to restrain each person in the manner prescribed by the
20 manufacturer of the device; and

21 (c) provide for the protection of each person [~~five years of age~~] up to 16 years of age
22 [~~by using an appropriate child restraint device to restrain each person in the manner prescribed~~
23 ~~by the manufacturer of the device or~~] and who is not covered under Subsection (1)(b) by
24 securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

25 (2) A passenger who is 16 years of age or older of a motor vehicle operated on a
26 highway shall wear a properly adjusted and fastened safety belt.

27 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the



28 commissioner of the Department of Public Safety shall set standards for approved safety belts
29 [~~and~~], child restraint devices, and booster seats.

30 (4) If more than one person is not using a child restraint device or wearing a safety belt
31 in violation of Subsection (1), it is only one offense and the driver may receive only one
32 citation.

33 (5) For a person 19 years of age or older who violates Subsection (1)(a) or (2),
34 enforcement by a state or local law enforcement officer shall be only as a secondary action
35 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other
36 than Subsection (1)(a) or (2), or for another offense.

Legislative Review Note

as of 12-30-02 7:00 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Child Restraint Safety Devices***24-Jan-03***Bill Number HB0084***10:18 AM*

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst